

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

PETER WASKO

Plaintiff(s),

vs.

CIVIL NO.03-910 JH/WDS

JOHNNY GONZALES

Defendant(s).

**MAGISTRATE JUDGE'S REPORT
AND PROPOSED RECOMMENDATION**

This matter comes before the Court on Plaintiff's Motion for Defendant's Contempt on the Court with Sanctions (Doc. 28). On November 10, 2004, this Court entered an order requiring Defendant to answer Plaintiff's interrogatories by November 22, 2004. Plaintiff's current motion is premised on the fact that no answers have been provided and the deadline has passed. The Court also notes that Defendant has not responded to this motion for sanctions. Plaintiff in this case is pro se, but Defendant is represented by counsel.

Plaintiff requests sanctions in the amount of \$10,000.00. It is the recommendation of the undersigned that the Presiding Judge grant the motion for sanctions and enter judgment on liability against Defendant based upon his failure to comply with discovery requirements and his disobedience of the November 10 court order. A separate hearing on damages with notice to all parties should then be scheduled. Defendant has 10 days from the date of this order to file objections.

A handwritten signature in black ink, appearing to read 'W.D. Schneider', written over a horizontal line.

W. DANIEL SCHNEIDER
United States Magistrate Judge

